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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/340,771	06/28/1999	DAVID LEWIS MYERS	13944	4334

7590 12/03/2002

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EXAMINER

PRATT, CHRISTOPHER C

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 12/03/2002

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/340,771	Applicant(s) MYERS, DAVID LEWIS	
	Examiner Christopher C Pratt	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's remarks filed 10/3/02 have been entered and carefully considered. Applicant's arguments are not found persuasive of patentability for reasons set forth herein below.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-13, 16-23, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rousseau et al (6002017) in view of Bates et al (5955546), as set forth in the previous action.

Applicant has not amended the claims in an attempt to overcome the prior art. Applicant argues that the two references cannot be combined because the perfluorinated and triazine additives described by Rousseau cannot be made miscible with the polyolefins of Bates. This argument is not persuasive for two reasons. First, applicant's claims only recite the limitation "miscible thermoplastic telomer." The claims do not specify what material said telomer must be miscible with. Rousseau's electret comprises a polymer blend including polyolefins such as polypropylene (col. 6, lines 37-40). The telomer of Bates is miscible with the polypropylene of Rousseau.

Second, Bates teaches a miscible thermoplastic blend (abstract). Bates includes organic triazine additives in said miscible blend (col. 26, lines 56-59 and col. 43, lines 18-20). Therefore, according to Bates the addition of triazine still results in a miscible blend. Applicant does not offer a different definition of the word miscible, contrary to the ordinary art-recognized meaning proffered by Bates. It is the examiner's position that the person having ordinary skill in the art would have added Bates' telomer to the composition of Rousseau with the reasonable expectation of forming a miscible blend.

Applicant argues that Bates teaches modifying polymers to increase antistatic properties and hydrophilicity. Applicant argues these properties would not be desirable for an electret and therefore the skilled artisan would not have been motivated to make the proposed combination. However, Bates teaches the addition of a telomer to increase the functionality of the polymer blend (col. 22, lines 38-40), specifically to increase the polarity and bondability (col. 23, lines 20-21). Bates teaches increased hydrophilicity and antistatic properties to be achieved with the use of "reactive monomer units (col. 23, lines 25-26 and 56-65)." Bates only teaches the use of these reactive groups as an optional "further embodiment (col. 23, line 24)." These further embodiments are not relied upon by the examiner and are not germane to the instant rejection. Said rejection is maintained from the last action.

4. Claims 14-15 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rousseau et al (6002017) in view of Bates et al (5955546) and Midkiff et al (5707735), as set forth in the previous action.

Applicant's arguments rest on the reasoning set forth above. Said rejection is maintained from the last action.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Pratt whose telephone number is 703-305-6559. The examiner can normally be reached on Monday - Friday from 7 am to 4 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Christopher C. Pratt
November 24, 2002



CHERYL A. JUSKA
PRIMARY EXAMINER